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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,790	01/30/2002	Akihiro Denda	107156-00095	4718

7590 05/30/2006

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,790	DENDA ET AL.	
	Examiner	Art Unit	
	Aristotelis M. Psitos	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicants' response of 2/23/06 has been considered with the following results.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/06 has been entered.

Applicants' attention is drawn to 37 CFR 1.145, MPEP § 706.07 (h) section VI, MPEP § 818.02, §818.02 (a), and §819.

It is noted that applicants' have presented an election WITH TRAVERSE on the above withdrawn claims.

The examiner interprets applicants' arguments as predicated upon "linking" claim 2 (originally presented).

As originally presented and examined:

Claim 2 recited:

" The information read/write apparatus according to claim 1, wherein said detector means detects an interruption due to a power failure at least at any one of said read device or said write device."

Present claim 10 recites in part:

" power supply means for supplying an electric power from a power source or an auxiliary power source to the read device and the write device,

detector means for detecting an interruption of at least any one of a read operation of said read device and a write operation of said write device in the course of writing said program information by said write device, said interruption being caused due to an electric power failure;

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determination means which operates when said detector means has detected the interruption, to supply an electric power from the auxiliary power source, to determine a write status of program information on said second information storage medium at the time of said interruption, and to store the write status sent from the detector means in a nonvolatile memory;...".

The scope of the inventions are not linked by the limitation of claim 2.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-18 are withdrawn from consideration as being directed to a non-elected invention.

The following position is taken with respect to pending claims 1-6.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over either the EP document 0997900 or under 102 (e) as anticipated by the US equivalent patent 6553532

With respect to apparatus claim 1, the document to Aoki, either the EP or the US discloses in this environment the ability of reading source information and writing it to a record medium –2. The write device of claim 1 is interpreted as element 4, whereas the read device is interpreted as inherently present as discussed at col. 6 line 27 to col. 7 line 31 in the US patent and the equivalent passages in the EP document.

The detecting means, determination means and the control means are inherently present – see the description starting at col. 8 line 39 to col. 9 line 64. The ability to detect an interruption, determine the write status and the appropriate control means is present in order to carry out a rewrite/retry of the information to complete the recording that was aborted due to read/write interruption.

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Although the document doesn't specifically mention that the source of the information to be recorded onto the record 2 is from a first information storage medium, the examiner interprets the source of information as described in the above passages of the US/EP document as an obvious modification from the teaching from Sato, which discloses duplicating systems from a primary/source to a secondary target/slave recording medium.

It would have been obvious to modify the base system of Aoki with the well-known ability of having a "mother" source as the source of information in a duplicating apparatus as providing the input for subsequent recording upon duplicates, copies. Motivation is to provide an appropriate source of incoming information.

With respect to claims 3,4, the examiner interprets such as the indication/evaluation of the ecc as discussed with respect to the operation of the Aoki system – col. 8 line 39 to col. 9 line 64.

With respect to the limitations of claims 5 and 6, they are inherently present in the above system – see the flow charts and the accompanying disclosure in the US Aoki reference.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Tanaka et al.

Although the base reference to Aoki discusses "interruptions" of electric power at col. 9 lines 54-56, there is no clear depiction of this being a power failure.

Tanaka et al teach in a similar environment, monitoring of electrical power, and upon failure thereof, appropriate detection thereof precipitates further action by the controller and subunits.

It would have been obvious to modify the base system of Aoki with such monitoring of electrical power failure as opposed to merely that of an "interruption". The examiner considers monitoring of an operating condition for "failure" as opposed to "interruption" as being obvious variants over one another.

Response to Arguments

Applicant's arguments filed 2/23/06 are not persuasive.

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Response to Arguments

Applicant's arguments filed 2/23/06 are not persuasive.

Applicants' arguments on pages 12 and 13 are drawn to subject matter found in claim 10, not claim 1.

Conclusion

Applicants' positions as contained in the above communication have been carefully considered with the above results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
Art Unit 2627



AMP